

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN BRADY, <i>also known as JOHN WADE</i> ,)	
)	
Petitioner,)	Civil Action No. 20-1978
)	
v.)	District Judge David Stewart Cercone
)	Magistrate Judge Maureen P. Kelly
SCOTT A. WOOLF, <i>Pennsylvania Board of</i>)	
<i>Probation & Parole</i> ,)	Re: ECF No. 4
)	
Respondent.)	

MEMORANDUM ORDER

Petitioner John Brady (“Petitioner”), also known as “John Wade,” submitted a Petition under 28 U.S.C. § 2254 for a Writ of Habeas Corpus by a Person in Federal Custody for filing on December 17, 2020, challenging his alleged detention by the Pennsylvania Board of Probation and Parole. ECF No. 1.

Searches of the inmate locator and parolee locator on the Pennsylvania Department of Corrections website, as well as public records searches for the Petitioner’s United States Marshal Number, indicate that the Petitioner was not being held in Pennsylvania as of December 16, 2021. ECF No. 3 at 2. On that date, an Order directing Petitioner to show cause why this case should not be dismissed as moot was issued. The response to this Order was due by January 18, 2022. Id.

Petitioner did not responded to the Order to Show Cause. On June 22, 2022, United States Magistrate Judge Maureen Kelly issued a Report and Recommendation in which she recommended dismissal of the Petitioner for failure to prosecute. ECF No. 4. As part of her analysis, the Magistrate Judge noted that the evidence of record indicated that this case was moot. Id. at 4-5.

Petitioner was advised of his right to file objections. Id. at 5. The Report and Recommendation was mailed to Petitioner's address of record on the docket, as well as to FCI-Beckley, where a public records search indicated that Petitioner was incarcerated as of June 22, 2022. Id. at 1-2. The copy mailed to FCI-Beckley was returned marked "RETURN TO SENDER NOT DELIVERABLE AS ADDRESSED UNABLE TO FORWARD[.]" ECF No. 5 at 1.

As of this date, no objections have been filed. Additionally, this Court has received no communication from Petitioner since December 22, 2020. ECF No. 2.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, ECF No. 4, the following Order is entered:

AND NOW, this 22nd day of July, 2022, IT IS ORDERED that this case is DISMISSED. To the extent that one is necessary, a certificate of appealability is DENIED.

IT IS FURTHER ORDERED that the Report and Recommendation dated June 22, 2022, ECF No. 4, is adopted as the opinion of this Court.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if Petitioner wishes to appeal from this Order he must file a notice of appeal within 30 days, as provided in Rule 3 of the Federal Rules of Appellate Procedure, with the Clerk of Court, United States District Court, 700 Grant Street, Room 3110, Pittsburgh, PA 15219. Petitioner is referred to Rule 22 of the Federal Rules of Appellate Procedure and to 3d Cir. L.A.R. 22.1 for the timing requirements for applying for a certificate of

appealability from the Court of Appeals (available at
https://www2.ca3.uscourts.gov/legacyfiles/2011_LAR_Final.pdf).

s/David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

cc: The Honorable Maureen P. Kelly
United States Magistrate Judge

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